

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARLOS RAY NORRIS,
a/k/a CHUCK NORRIS, an individual,

Plaintiff,

v.

PENGUIN GROUP (USA), INC.,
a Delaware corporation,
IAN SPECTOR, an individual, and
QUBEFACTOR, INC., a New York
Corporation, d/b/a QUBEFACTOR
TECHNOLOGIES,

Defendants.

Civil Action No. 07 CV 11480 (RWS)

**DECLARATION OF
DEBORAH M. LODGE**

I, Deborah M. Lodge, hereby declare under penalty of perjury:

1. My name is Deborah M. Lodge. I am a partner in the law firm of Patton Boggs LLP. I am admitted to the Bar of this Court. Patton Boggs represents Plaintiff Mr. Carlos Ray Norris, also known as "Chuck Norris". I submit this Declaration in support of Plaintiff's Motion for a Preliminary Injunction to prohibit Defendants from further unauthorized use of Plaintiff's name, likeness, and trademarks for commercial purposes, from further publication, distribution, sale and promotion of a Book entitled "The Truth About Chuck Norris" (the "Book"), and from further use of the Internet domain names "truthaboutchucknorris.com" and "truthaboutchuck.com".
2. The Book was authored by Defendant Ian Spector ("Spector") and is published by Gotham Books, a division of Defendant Penguin Group (USA), Inc ("Penguin"). Attached as Exhibit 1 hereto is a true and correct copy of the cover of the Book and

certain relevant pages from the Book. A copy of the Book itself is being delivered to the Judge's Chambers with the courtesy copy of Plaintiff's motion, for consideration and if necessary for instructions on filing.

3. Attached as Exhibit 2 hereto is a true and correct copy of a "cease and desist" letter dated October 24, 2007, which I sent to Defendant Penguin's Gotham Books Division and to Defendant Spector on Plaintiff's behalf. This letter identified relevant federal trademark registrations belonging to Chuck Norris, and put Defendants on notice that the publication and promotion of the Book would violate Mr. Norris's legal rights and causes him severe and irreparable harm. The letter annexed a promotional flyer for the Book, several Internet web pages advertising the Book, the "whois" information showing that the domain name truthaboutchucknorris.com was registered to Defendant QubeFactor, and several pages from Defendant QubeFactor's "Chuck Norris Facts Generator" web pages at 4q.cc.
5. Attached as Exhibit 3 hereto is a true and correct copy of an October 26, 2007 letter from Defendant Penguin responding to my October 24, 2007 letter. I never received a response from Defendant Spector. The Penguin letter rejected Mr. Norris's claims.
6. Attached as Exhibit 4 hereto is a true and correct copy of my November 16, 2007 letter to Defendant Penguin refuting the arguments made in Penguin's October 26, 2007 letter. This letter re-asserted Mr. Norris's trademark and publicity rights and sought to resolve the matter before the Book was published. This letter requested that Penguin provide Mr. Norris with an advance copy of the Book for Plaintiff's review. The letter also expressed concern, caused by comments made by Defendant Spector to the Brown University Daily Herald, that the Book would contain "really vulgar" or "hard-core" items that would

significantly tarnish Mr. Norris's goodwill and image. Also annexed to Exhibit 4 is a copy of the referenced Brown Daily Herald article.

7. Attached as Exhibit 5 hereto is a true and correct copy of an e-mail I received from Defendant Penguin on November 16, 2007, again rejecting Plaintiff's claims.
8. Attached as Exhibit 6 hereto are some of the many emails sent to the chucknorris.com website by fans after publication of the Book. These emails were sent to me by the website administrator and are true and correct copies of the emails received by the administrator and sent to my email, except that I have redacted the personal email addresses of the senders.
9. The following are among the comments made in those unsolicited emails sent to Mr. Norris by his fans commenting on the Book and this suit:
 - a) Received on from r*e, dated Monday, December 24, 2007: "... This is in regards to the boo [sic] "The Truth About Chuck Norris". Ian Spector had no justification to write any of the information about you in that book ..."
 - b) From: l*2, dated Sunday December 23, 2007: "... I'm glad that you are suing those people who have been misrepresenting your image. God knows the truth and you will get justice in the end."
 - c) From: d*1, dated Sunday, December 23, 2007: "... I went on the web site for that book and I did not find 99.5% of it funny at all. None of those so called 'facts' represent you. I wish you the best in your fight to get this book removed or at least that the word gets out that this is NOT you."

d) From: n*1, dated December 23, 2007: "I was glad to hear of your pending law suit against the author and publisher. I was shocked with the vulgarity that was used and even thou [sic] they said you had approved it, it was hard for me to believe...."

e) From: c*y, dated Saturday, December 22, 2007: "Way to go in regards to the 'truth book'. Your reputation has always been at the best and to have it marred at your expense is wrong. You have accomplished so much as have always been a role model. Shame on them for marring your reputation."

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on:

January 11, 2008

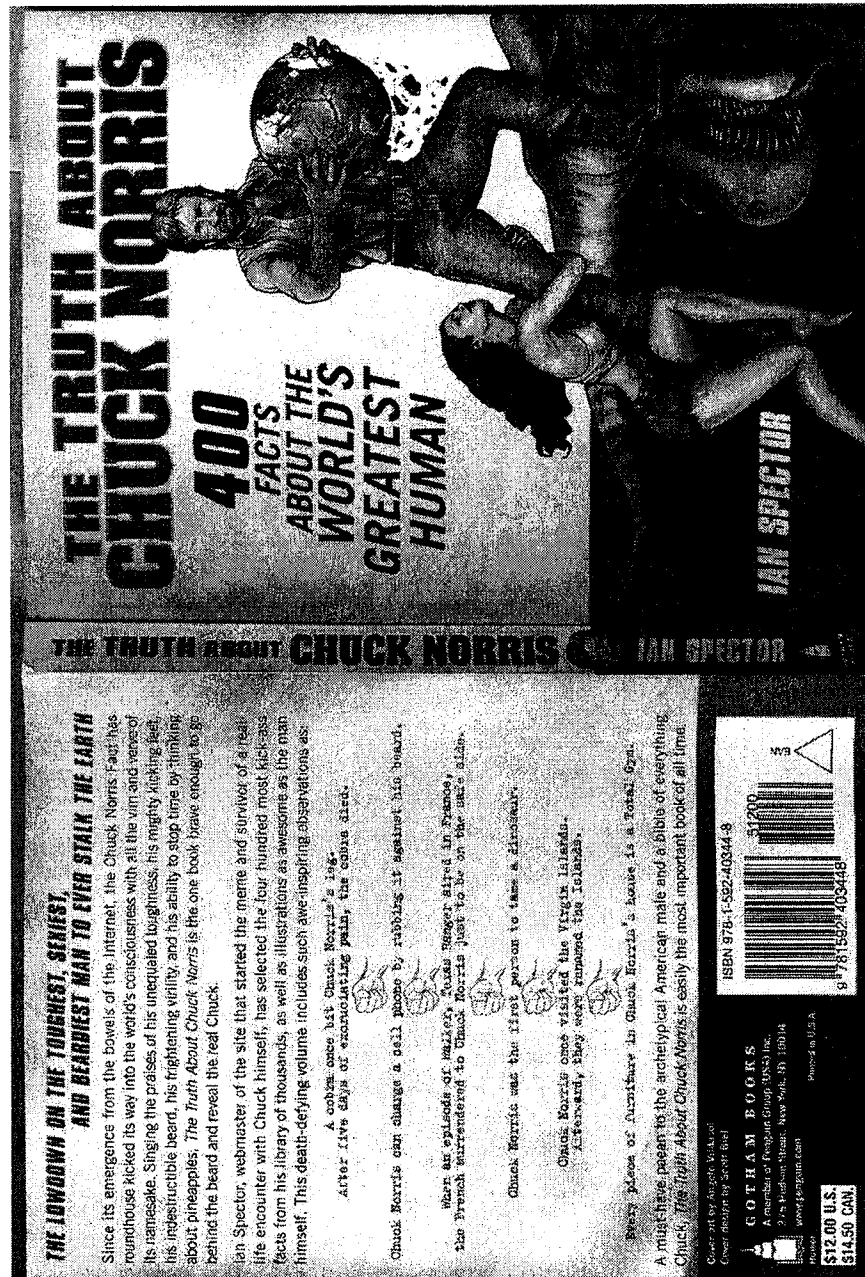
Deborah M. Lodge
Deborah M. Lodge

EXHIBIT 1

EXCERPTS FROM

THE BOOK

“THE TRUTH ABOUT CHUCK NORRIS”



Preface

As a kid, I always used to skip the prefaces in the comedy books I owned. "Why read what the author has to say? This stuff isn't funny at all," I thought. Hopefully none of you are like me in that respect. Since it's easy enough to copy and paste content from my Web site to fill up the rest of this book, I suppose it might be worthwhile to explain how all of this got started and what I think of it.

In March of 2005, *The Pacifier*, starring Vin Diesel, was released to the masses. Vin was either loved for his badass-ness or mocked for it by most before then, but after that fateful opening weekend most people shifted to the latter camp. One of the Internet forums I visit at SomethingAwful.com had a discussion going where users extrapolated Vin's strange role as Navy-SEAL-turned-babysitter in the form of these very strange "facts."

could write in their own suggestions. After a week of polling, I was surprised to discover that more people had written in "Chuck Norris" than had voted for any of the other twelve. I wasn't very familiar with his work beyond Dodgeball and Walker, Texas Ranger, so I was hesitant to select him as the next victim.

However, I forged ahead with the Chuck Norris Fact Generator, getting some much-needed technical help from someone who'd created a similar site for Bob Saget, of all people. The site went live in the summer of 2005, and it took a little while to gain momentum. Helped in part by a mention on CollegeHumor.com, however, by early 2006 we were getting nearly twenty million page views per month. Thus began the Chuck Norris global phenomenon.

As the site's editor in chief, so to speak, I spent countless hours wading through the thousands of facts that were submitted. In this task I became quite familiar with the deficits of the American educational system, as I encountered all manner of grammatical nightmares, from confusions of "your" with "you're" to variant spellings of "AIDS" to excessive usage of the exclamation point. Eventually I approved more than ten thousand facts, and a number of copycat sites (all of which stole my content) sprung up all over the Web.

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They were damn entertaining to read (and even more to visualize), and I thought that it would be a fun little project to compile a bunch of them on a Web site that would randomly spit them out. I had purchased a domain name a few weeks earlier and thought it would be as an appropriate place as any to put this thing.

The Web site, www.4Q.cc/vin, started off as a tweaked version of a random quote generator from HotScripts.com. I had posted a link to the generator on SomethingAwful, and within twenty-four hours the site got over twenty thousand hits. The next day I allowed people to submit their own facts and rate facts already on the site. I also put up ads, but never made much off the ad revenue—usually enough to keep things running, but never too much beyond that. The site continued to grow in popularity over the next few months. It was featured on some well-known Web sites like Defamer.com, Empire Online, and ESPN.com, to name a few.

So where does Chuck Norris come into play? Over the summer of 2005, I put up a poll on the site asking visitors who the next fact generator should be about. There were about twelve choices ranging from the entertainment world (Lindsay Lohan, Samuel L. Jackson) to the political (George Bush, Dick Cheney). There was also a space where visitors

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In December of 2005, I had my first chance to meet the man himself. I was asked to appear on CNBC's *The Big Idea* with Donny Deutsch and explain the whole thing to him, because he apparently didn't quite understand it, and I don't really blame him. While I was waiting in the studio, a guy came over to mic me up and I asked, "Does it suck having to watch MSNBC all day long?" He quickly responded, "This is a live mic; you might not want to say that."

Chuck and his wife, Gena, were on the show that day talking about a ton of stuff—his book, his charity, prayer in school. About twenty minutes in, I heard a voice in the earbud that had been implanted by that same guy. It was the director: "Hi, Ian . . . sorry it had to turn out like this, but I'm afraid we're going to have to cut you out for timing. Sorry to make you haul all the way in." I'd like to think that this had nothing to do with my MSNBC joke.

A few weeks later, I was watching *Lost* when my house phone rang. My mom shouted to me, "Ian, pick up the phone!" I refused, because as anyone who watches *Lost* can attest, it's hard to stop watching. Then, she called out, "Ian, Chuck Norris's wife is on the phone." Well, clearly, I put off *Lost* for a few minutes to talk to her. Apparently Chuck's World Combat League was having a fight up at a casino in Connecticut and Chuck wanted me to be there.

The day of reckoning came, and I went up to the Mohegan Sun resort with my dad for the meeting. It ended up being about an hour long or so and included not only myself and Chuck, but also my dad, Chuck's wife Gena, Chuck's lawyer, and Chuck's business manager. Despite those extra folks, we had a pretty interesting conversation ranging from the origins of the site to Chuck's charity (he's really big on it), the Combat League, his book, where the facts originated, my interests, et cetera. I'm still in touch with Chuck and Gena, and to date I've not yet been on the receiving end of a roundhouse kick.

Beyond the Donny Deutsch show, there was a ton of additional media coverage, including a great piece in *The Washington Post*. As a freshman in college, I was pretty wide-eyed about all of it. Thankfully all of the articles written about the site were positive in nature, though there was one that still bothers me to this day: "Heard the One About Chuck Norris?" (February 3, 2006, *St. Petersburg Times*) by "deputy Floridian" editor John Barry. This guy not only called me a "computer geek," but also went on to say the following about me: "Ian looks like what he is, a kid from Rhode Island, studying the supremely esoteric field of 'computational biology.'" Not only did this man get my home state wrong (I'm from New York), he also further

but he played it cool, which is further testament to his being either a really nice guy or a good actor.

It was in the spring of 2006 when I began getting offers for book versions of the Web site, but I turned them down since I didn't know how much of my time it would take up. It wasn't until late August that I got an e-mail from an agent at the William Morris Agency, one of the top talent agencies for just about anything, asking if I would reconsider doing the book since apparently there were a few publishers who were still very interested. After reading the message, I figured that some people really did want this book, and so I was hooked. My parents, both of whom are overly cautious attorneys, were less enthusiastic about the whole thing, though. After several months of stalling, I wrote all of this up in an all-nighter (it's really surprising what a venti white mocha from Starbucks can do), and here we are.

I've been very lucky with all of this from day one and I doubt I'll ever be this lucky again, so please, tell all your friends to go and buy a copy of this book.

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perpetuated ignorance by mocking a legitimate and upcoming scientific field. I was really expecting a lot more from the deputy "Floridian" editor.

At the site's peak, I would receive e-mails from fans all over the world. It was a little disturbing to see that there were people from law firms, Fortune 500 companies, major cable networks, and even the London Olympic Committee, who were all wasting time hitting the refresh button on my Web site instead of doing work. One such e-mail was from a visitor from Poland who claimed that Chuck was all the rage in his country. He wasn't kidding. In April 2006, the second most queried phrase on Google from Poland was "Chuck Norris." (Number one was "bird flu.") April is also Chuck's month of birth, and a Polish television station was apparently putting together a special tribute to him and they wanted me to talk about him. They called my cell phone at a ridiculous hour of the night, and a man whose name I could not pronounce and now can't remember asked me three questions and recorded my responses. I never heard from them again, though I wish I could see what they put together.

A radio station in Minnesota had me on the air twice the second time with Chuck himself. Given the nature of some of the facts, I was pretty scared about his reaction.

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Chuck Norris killed the pope with a roundhouse kick to the chest after an argument over who had a better beard, Jesus or Norris.

Chuck Norris is strong enough to punch through steel, yet delicate enough to cradle a newborn to sleep.

Chuck Norris got drunk and fucked the Statue of Liberty, then bragged about it to the Lincoln Memorial.

When Chuck Norris bleeds, oak trees sprout up from where the blood fell.

Chuck Norris can fit five billiard balls in his mouth.

Chuck Norris was born of the Greek gods Ares and Hermes in a grand session of butt sex that may never be equaled.

The only person to ever beat Chuck Norris in a game of rock-paper-scissors was a Mexican astronaut that went by the alias "Eduardo the Magnificent."

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Occasionally Chuck Norris will call up the Power Rangers just to say hi.

Chuck Norris eats pencils and markers for breakfast, and he shits out masterpieces.

The book of Revelation was actually written by Chuck Norris in a moment of prophecy.

7

If you can see Chuck Norris, he can see you. If you can't see Chuck Norris, you may be only seconds away from death.

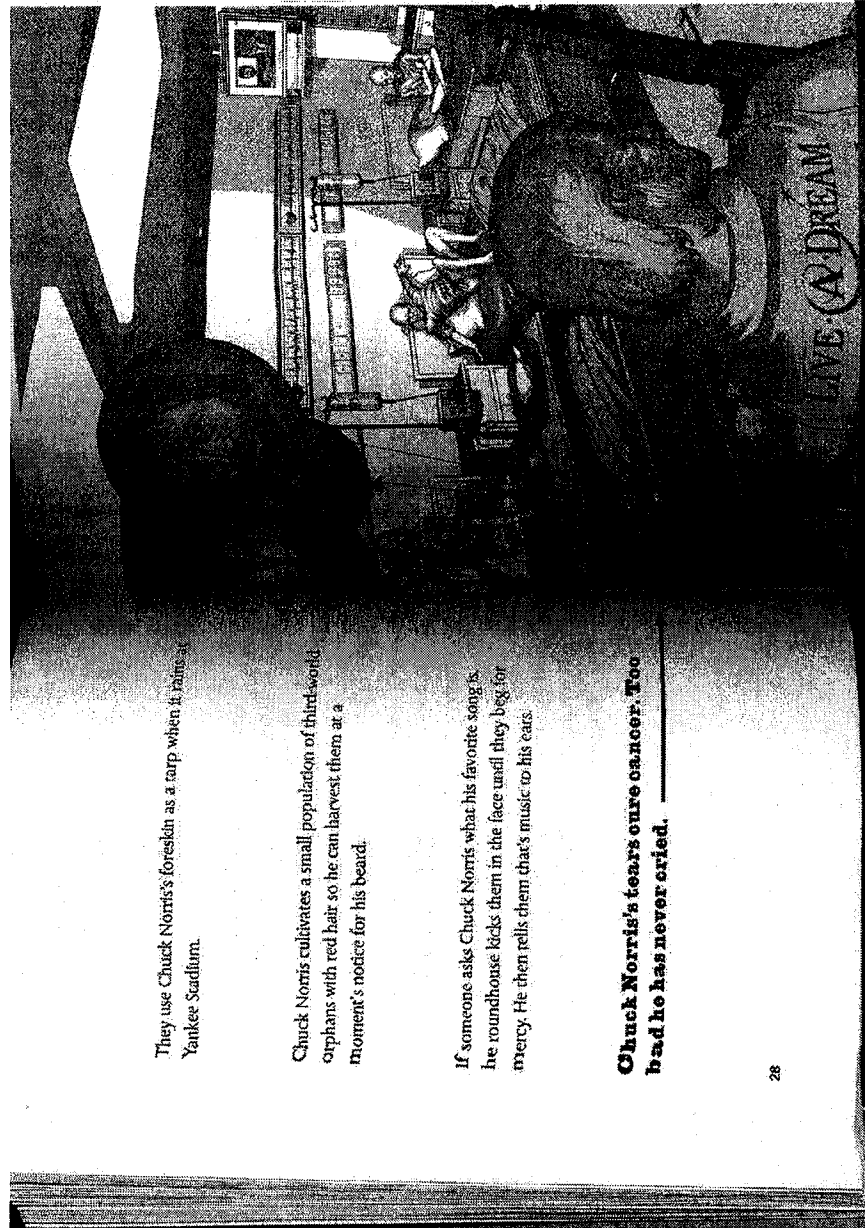
Chuck Norris's body hair is ten times stronger than spider silk and fifty times stickier.

If you've ever met a woman with crooked teeth, you've met a woman who has given Chuck Norris a blowjob.

Chuck Norris was the Jewish Humanitarian of the Year.
(Seriously.)

Chuck Norris is just like you and me: He puts his pants on one leg at a time. Except when he puts his pants on, he fights North Koreans.

Who are Chuck Norris's parents? Might, Justice, and Cunning. Yes, all three.



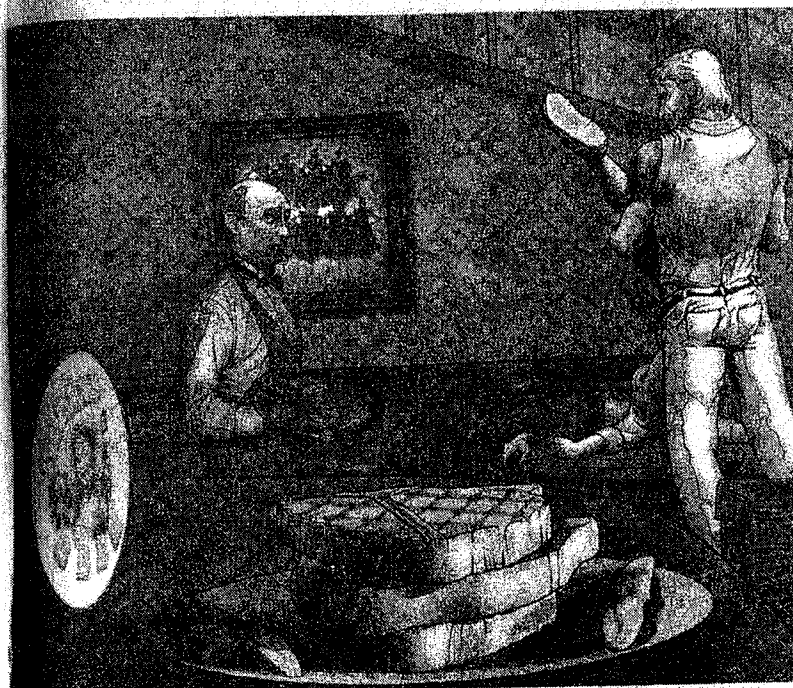
They use Chuck Norris's foreskin as a tarp when it rains at Yankee Stadium.

Chuck Norris cultivates a small population of third-world orphans with red hair so he can harvest them at a moment's notice for his beard.

If someone asks Chuck Norris what his favorite song is, he roundhouse kicks them in the face until they beg for mercy. He then tells them that's music to his ears.

Chuck Norris's tears cure cancer. Too bad he has never cried.

Chuck Norris once ate three seventy-two-ounce steaks in one hour. He spent the first forty-five minutes of that hour having sex with his waitress.



Chuck Norris is considered a prime number in certain schools in Ontario.

Chuck Norris lives by only one rule: No Asian Chicks.

When Chuck Norris was denied a McGriddle at McDonald's because it was 10:35, he roundhouse kicked the store so hard it became a Wendy's.

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Chuck Norris invented babies because he got tired of eating the same old thing.

The chief export of Chuck Norris is pain.

Chuck Norris began the Church of England in 1799, back when his nickname was "England."

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Chuck Norris can make your nose bleed with his mind.

Chuck Norris fucked your wife while you were out of town on a business trip. Tough shit.

Chuck Norris sold his soul to the devil for his rugged good looks and unparalleled martial-arts ability. Shortly after the transaction was finalized, Chuck roundhouse kicked the devil in the face and took his soul back. The devil, who appreciates irony, couldn't stay mad and admitted he should have seen it coming. They now play poker every second Wednesday of the month.

Chuck Norris isn't God, but he beats him in golf.

It is commonly known that Eve was created from the rib of Adam, but few know that Chuck Norris was actually created using Adam's genitals.

Chuck Norris's belly button is an "innie." Inside Chuck's belly button is an alternate universe where thousands of tiny Chuck Norrises are training to get their buddies out of a Vietcong POW camp.

Chuck Norris can grate fresh Parmesan cheese with his rust-red beard.

Chuck Norris fought Gandhi in the very first Ultimate Fighting Championship and won in less than fifteen seconds by crushing Gandhi's rib cage with a single punch. Later, officials questioned the validity of the match, as it took place in Gandhi's home, while he was asleep.

Contrary to popular belief, Chuck Norris, not the blue-ringed octopus of eastern Australia, is the most venomous creature on earth. Within three minutes of being bitten, a human being experiences the following symptoms: fever, blurred vision, beard rash, tightness of the jeans, and the feeling of being repeatedly kicked through a car windshield.

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Chuck Norris swears he didn't sleep with your wife. Yes, it is strange that your children show an affinity for Texas justice and beard cultivation. No, Chuck Norris does not know why your wife can only climax when you wear a karate uniform. Chuck Norris thinks you are asking the kind of questions a person asks when they want to be roundhouse kicked in the face.

Chuck Norris drives a pickup truck upholstered in denim.

Chuck Norris took my virginity, and he will sure as hell take yours. If you're thinking to yourself, *"That's impossible, I already lost my virginity,"* then you are dead wrong.

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Acknowledgments

Very special thanks, of course, to my family. Without their continued support, you wouldn't be reading any of this.

To my friends: I'm contractually allowed only ten free copies of this book and you're not getting any of them.

Big thank-yous to Charlotte Wasserstein from WMA for getting me hooked on this book project again and walking me through the publishing process, as well as to my editor, Patrick Mulligan from Gotham, for being so enthusiastic about the project and being able to see eye to eye with me on everything.

And of course to Chuck: You've got an awesome sense of humor. Thanks for playing along,

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**Chuck Norris doesn't sleep.
He waits.**

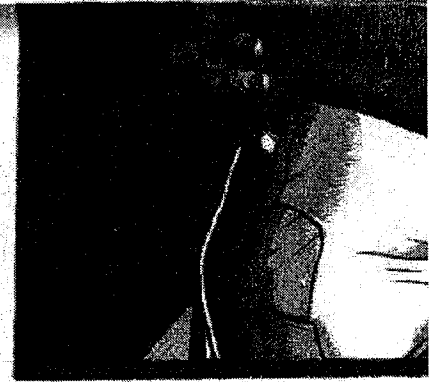
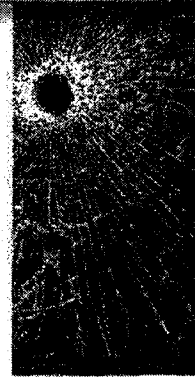


EXHIBIT 2

**October 24, 2007
Cease and Desist Letter**



2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

October 24, 2007

Deborah M. Lodge
202-457-6030
DLodge@pattonboggs.com

VIA FEDERAL EXPRESS:

Legal Department
Gotham Books
c/o Penguin Group (USA) Inc.
375 Hudson St.
New York, New York 10014-3672

VIA EMAIL AND FEDERAL EXPRESS

Mr. Ian Spector
Brown University
75 Waterman Street - Box 6027
Providence, RI 02912
Email: ian_spector@brown.edu, ian@4q.cc

Re: CHUCK NORRIS Intellectual Properties

Dear Sirs:

We represent Carlos Ray Norris, a/k/a Chuck Norris ("Mr. Norris"), the famous actor, author and celebrity. Mr. Norris owns rights in his name, image, and related trademarks, and other intellectual properties (collectively "Norris Properties"). He has used the Norris Properties for many years in connection with his profession. Mr. Norris enjoys substantial goodwill in the Norris Properties as a result of his accomplishments and promotional efforts. Mr. Norris' name and image are known to consumers worldwide.

Among other intellectual properties, Mr. Norris owns the following federal trademark registrations and applications, as well as numerous domain names using his name and mark CHUCK NORRIS: CHUCK NORRIS (Reg. Nos. 2864474 and 2124757) in Class 41, CHUCK NORRIS FACTS (Reg. No. 3220185) in Class 35; CHUCK NORRIS FACTS (Reg. No. 3213519) in Class 35; CHUCK NORRIS IS..."THE FACT" (Reg. No. 3211054) in Class 25 and Ser. No. 78858517 in Class 41; CHUCK NORRIS APPROVED (Ser. No. 77173481) in Class 41; CHUCK NORRIS APPROVED (Ser. No. 77173465) in Classes 5, 9, 25, and 28; CHUCK NORRIS (Ser. No. 77027784) in Class 5. In addition, Mr. Norris owns substantial common law rights in marks using his name, as well as considerable publicity and privacy rights in his name and image. As a result of extensive use and the renown and goodwill



Legal Department, Gotham Books
Mr. Ian Spector
October 24, 2007
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associated with his moniker, CHUCK NORRIS is a "famous" mark as that term is used in the federal Lanham Act. Mr. Norris also is an accomplished author; he has published numerous books, both non-fiction ("Against All Odds" and "The Secret Power Within," for example) and fiction ("A Threat to Justice" and other "Justice Rider" novels, for example).

Mr. Norris recently learned that Gotham Books ("Gotham") intends to publish a book entitled "The Truth About Chuck Norris" by Ian Spector. The subtitle is: "400 Facts About the World's Greatest Human." See annexed copy of a Gotham promotional flyer for the book. We understand that this book is slated for publication on November 29, 2007.

This publication uses Mr. Norris' name in the title, "The Truth About Chuck Norris". Moreover, it appears that Mr. Norris' likeness will be featured prominently on the cover of the book. See Gotham promotional flyer. Advertising for this book now appears on well-known Internet Websites, including Amazon.com, Borders.com and BarnesandNoble.com, both in the United States and throughout the world (samples attached). We also understand that Mr. Spector registered the domain name "TruthAboutChuckNorris," which links to his "Chuck Norris Facts" webpages at 4q.cc (copies attached).

Please be advised that these unauthorized uses of Mr. Norris' name, image and persona for commercial gain constitute unlawful violations of Mr. Norris' rights of publicity and privacy as well as infringement, false representations, dilution of a famous mark, cybersquatting, and unfair competition in violation of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a), 1125(c), 1125(d) and the common law. Neither Mr. Spector nor Gotham Press has ever asked for, or received, consent to use Mr. Norris' name or image in connection with this book or any other use. Although Mr. Norris knows about the fake "facts", including those posted on Mr. Spector's Web site at <http://4q.cc>, there is a significant difference between clearly mythical "facts" or parody and a book entitled "The Truth About Chuck Norris." Consumers are likely to be confused and misled by that title and believe that the book actually contains biographical facts about Mr. Norris. Gotham's reputation as a publisher of nonfiction books increases the likelihood that consumers will believe the contents of the book to be true. That likelihood is reinforced not only by the misleading title of the proposed work: "The Truth About Chuck Norris," but also by the use of Mr. Norris' name and likeness in the title and on the cover. The book may also infringe Mr. Norris' right of privacy, if it portrays Mr. Norris in a false light that is offensive and causes emotional anguish.

Your promotion and proposed sales of this book demonstrate your intent to gain financially by exploiting and misappropriating Mr. Norris' name and goodwill. Although Mr. Norris, as an author and actor, values First Amendment rights, he believes, as do we, that the proposed book goes beyond what is permissible under the First Amendment and far exceeds



Legal Department, Gotham Books
Mr. Ian Spector
October 24, 2007
Page 3

the parameters of any fair use. This is not a biography. It will not provide the "truth" about Mr. Norris, or any real "facts" about Mr. Norris. Mr. Norris' identity is not being used for newsworthy information of legitimate public concern. Instead, it is an attempt to profit commercially from the unauthorized exploitation of Mr. Norris' name, image and persona as part of a work of fiction. Although as noted Mr. Norris has known about the fake "facts" posted on Mr. Spector's website, to Mr. Norris' knowledge, Mr. Spector had not until this time attempted to profit from the unauthorized use of Mr. Norris' name, image and reputation.

Mr. Norris and the Norris Properties are likely to suffer severe and irreparable harm if this book is published. Consumers are likely to think that "The Truth About Chuck Norris" is a book that is affiliated with or approved by Chuck Norris. Confusion and tarnishment of Mr. Norris' reputation are likely to result from this unauthorized work. Indeed, we are already aware of some actual confusion concerning the sponsorship and authorization of this book. As a result of Mr. Norris' dedication and hard work, he has many loyal fans and enjoys a very positive reputation. He is very concerned that the publication of this book, and any associated collateral merchandise or publicity, is likely to cause considerable confusion and to irreparably harm his reputation and goodwill.

On behalf of Mr. Norris, we must therefore demand that you immediately: 1) cease all promotion and sales of the book entitled "The Truth About Chuck Norris" or any other unauthorized book or any other commercial products using Mr. Norris' name, image, marks, or any other of the Norris Properties; 2) cease and desist from all use of the phrase "The Truth About Chuck Norris" or other similarly misleading phrase; 3) halt all use of the domain name truthaboutchucknorris.com, and immediately transfer that domain name to Mr. Norris; 4) refrain from posting any content on the Website at <http://truthaboutchucknorris.com>, or linking that domain name to any other Websites; 5) cancel any orders placed for the proposed book "The Truth About Chuck Norris" and refund any and all deposits or money already received for that work; 6) provide us with an itemized inventory of all galleys, advertisements, collateral or any other merchandise or materials using the words "The Truth About Chuck Norris" or other similarly misleading phrase, and deliver such materials to the undersigned for destruction; and 7) provide us with an accounting of your revenues from any and all sales or promotions of products bearing any of the Norris Properties, including the selling price of each item sold and an itemization of all books or other products bearing the Norris Properties in your inventory or otherwise under your control. Any use of "The Truth About Chuck Norris" or of any of the Norris Properties for commercial purposes after receipt of this notice will be further proof of your intentional misappropriation of the Norris Properties, for which Mr. Norris can seek immediate relief, higher damages, and payment of his attorneys' fees.



Legal Department, Gotham Books
Mr. Ian Spector
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Page 4

Please send us your written response to this letter before the close of business on November 5, 2007. Mr. Norris reserves all its rights, including the right to take legal action as necessary.

Sincerely,


Deborah M. Lodge

Enclosures

cc: Michael S. Forshey, Esq.

EXHIBIT 1

GOTHAM PROMOTIONAL FLYER

NOVEMBER 2007 GOTHAM BOOKS Trade Paperbacks

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The Truth About Chuck Norris

400 Facts About the World's Greatest Human
Ian Spector

The illustrated lowdown on the toughest, sexiest, and heartiest man to ever stalk the earth

As the star of *Walker: Texas Ranger*, movies such as *The Delta Force*, and the long-running infomercial for the Total Gym, Chuck Norris represents a separate kind of superman—a hero of hilarious proportions. In recent years, farcical facts about Norris began cropping up on the Internet and across the airwaves, finally reaching their peak on one comprehensive Web site. Created by college student Ian Spector before he was even twenty, the Chuck Norris Fact Generator attracted as many as 18 million hits a month. Now the best of Spector's site is available in one affordable, death-defying volume, featuring such awe-inspiring observations as:

- A cobra once bit Chuck Norris's leg. After five days of excruciating pain, the cobra died.
- Chuck Norris can charge a cell phone by rubbing it against his beard.
- Chuck Norris was the first person to tame a dinosaur.
- Chuck Norris once visited the Virgin Islands. Afterward, they were renamed the Islands.

The latest addition to the booming genre of "fratire," and featuring vivid cartoons by the same illustrator behind *The Alphabet of Manliness*, there's no brawnier, beefier gift than *The Truth About Chuck Norris*.

- Ian Spector's Web site attracts millions of visitors—its peak was nearly 20 million page views per month.
- The site will be newly designed in time for publication.
- Ian Spector has been interviewed by *The Washington Post* and has appeared on ABC's *Nightline* and dozens of radio stations; and he has survived an encounter with Chuck Norris himself.
- The "fratire" genre is a fast-growing market. Books such as *The Alphabet of Manliness* have hit the bestseller lists.

IAN SPECTOR is a sophomore at Brown University, where he studies neuroscience and edits the campus humor magazine. He has been widely interviewed by media outlets ranging from *The Washington Post* to *Nightline*. A survivor of a real-life encounter with Chuck Norris himself, Spector divides his time between school in Providence, Rhode Island, and home on Long Island.

courtesy of the author



- National and regional radio interviews
- National and regional print media
- Targeted online marketing
- 6-copy counter display, 978-1-592-40358-5

NOVEMBER 2007
Humor
978-1-592-40344-8
\$12.00 (\$15.00 CAN)
176 pages
5 x 7
Illustrated with cartoons throughout
Territory: WOO
www.truthaboutchucknorris.com

Super Brain

101 Easy Ways to a More Agile Mind
Carol Vorderman

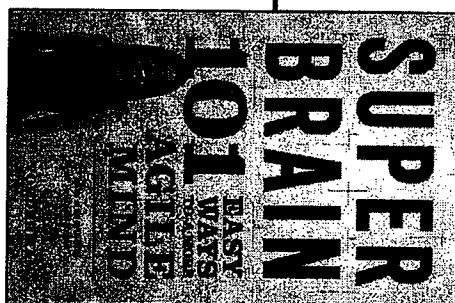
In the ultimate brain fitness handbook, International Sudoku expert Carol Vorderman brings her proven and addictive mental workouts to everyone seeking a sharper memory and better concentration skills.

Like the rest of your body, your brain responds to a good workout. Yet few of us take time for mental gymnastics. The result? It becomes hard to put a name to a face, or simple math becomes next to impossible, or you find your mind wandering, especially unable to focus in the afternoon. Maybe you even experience premature short-term memory loss, walking into a room without remembering what your task there was. It doesn't have to be this way; these symptoms shouldn't be passed off as unavoidable. *Super Brain* offers a fun yet effective way to stave off mental decline, bringing astounding new levels of brain power to readers of all ages.

One of the highest-paid women in Britain, Carol Vorderman amazes her UK television viewers by regularly carrying out fast and accurate mathematical calculations on the air. *Super Brain* now reveals the tricks of her trade, with practical exercises that can strengthen anyone's intellectual prowess. With dozens of puzzles and teasers that stimulate the gray matter, this "brain gym" opens the mind to new ways of thinking and improves concentration, memory, and creativity. Vorderman also offers essential advice on lifestyle habits to improve brain fitness, including tips on physical exercise, sleep, and nutrition.

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- Fully Americanized, with Carol Vorderman writing a new introduction for her American audience. There will also be a new foreword for the U.S. edition.
- Vorderman's Sudoku books have sold millions of copies in the UK and the United States and they continue to sell.
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CAROL VORDERMAN is Britain's leading female television host. For twenty years she has been known as the "Numbers Queen" on the hit UK quiz show *Countdown*, where she performs mental arithmetic at lightning speed. Carol is an international Sudoku expert whose Sudoku puzzle books have sold millions of copies worldwide. She holds a degree from Cambridge and is a member of Mensa, with an IQ of 154. She lives in central London.



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Ian Spector, webmaster of the site which started the meme and survivor of a real-life encounter with Chuck himself, has selected the 400 most kick-ass facts from his library of thousands, as well as illustrations as awesome as the man himself. This death-defying volume includes such awe-inspiring observations as:

- A cobra once bit Chuck Norris's leg. After five days of excruciating pain, the cobra died.
- Chuck Norris can charge a cell phone by rubbing it against his beard.
- When an episode of "Walker, Texas Ranger" aired in France, the French surrendered to Chuck Norris just to be on the safe side.
- Chuck Norris was the first person to tame a dinosaur.
- Chuck Norris once visited The Virgin Islands. Afterward, they were renamed The Islands.
- Every piece of furniture in Chuck Norris's house is a Total Gym.

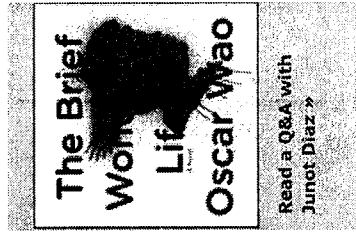
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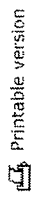
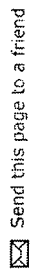
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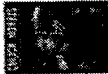


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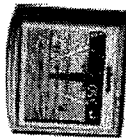
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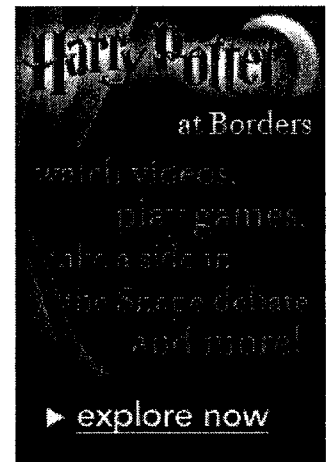
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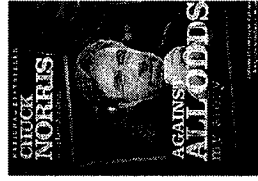
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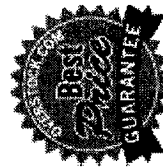
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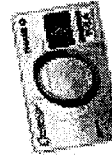
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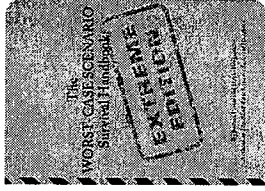
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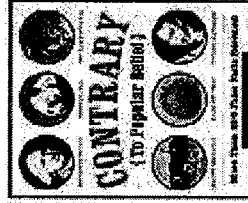
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The Truth About Chuck Norris



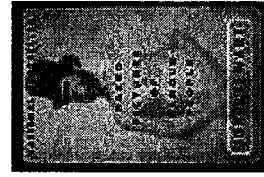
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Product Details

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Publisher: Putnam Pub Group

Language: English

Contributors...

Author: Spector, Ian

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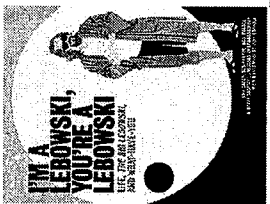
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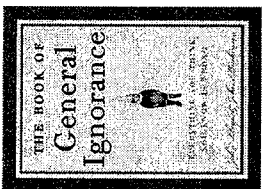
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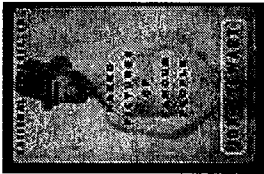
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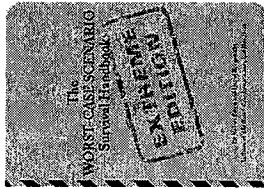
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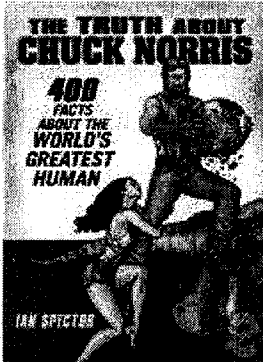
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Other versions by this Author

The Truth About Chuck Norris: 300 True Facts About the World Greatest Human

Author(s): [Spector, Ian](#)

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ISBN13: 9781592403448

Format: Paperback

Pub. Date: 11/29/2007

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EXHIBIT 3


WHOIS INFORMATION FOR "Truthaboutchucknorris.com"

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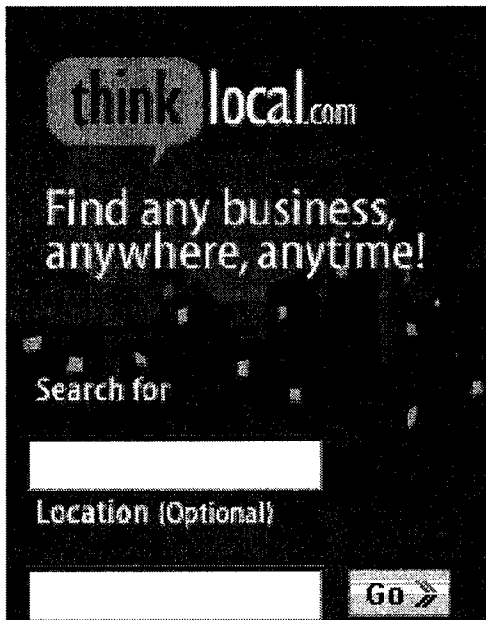
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TRUTHABOUTCHUCKNORRIS.COM

Registration Service Provided By: NameCheap.com

Contact: support@NameCheap.com

Domain name: TRUTHABOUTCHUCKNORRIS.COM

Registrant Contact:

QubeFactor Technologies

Ian Spector (sales@qubefactor.com)

WHOIS domain registration information results for truthaboutchucknorris.com from Network Solutions

+1.5166473259
Fax: +1.5168738992
300 Old Country Road
Suite 351
Mineola, NY 11501
US

Administrative Contact:

QubeFactor Technologies
Ian Spector (sales@qubefactor.com)
+1.5166473259
Fax: +1.5168738992
300 Old Country Road
Suite 351
Mineola, NY 11501
US

Technical Contact:

QubeFactor Technologies
Ian Spector (sales@qubefactor.com)
+1.5166473259
Fax: +1.5168738992
300 Old Country Road
Suite 351
Mineola, NY 11501
US

Status: Locked

Name Servers:

dns1.name-services.com
dns2.name-services.com
dns3.name-services.com
dns4.name-services.com
dns5.name-services.com

Creation date: 10 May 2007 05:35:50

Expiration date: 10 May 2008 05:35:50

====

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Version 6.3 4/3/2002

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Record Type:	Domain Name
Server Type:	IIS 6
Lock Status:	clientTransferProhibited
Web Site Status:	Active
DMOZ	no listings
Y! Directory:	<u>see listings</u>
Secure:	No
E-commerce:	No
Traffic Ranking:	Not available
Data as of:	14-Jun-2005

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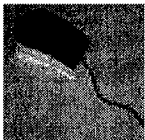
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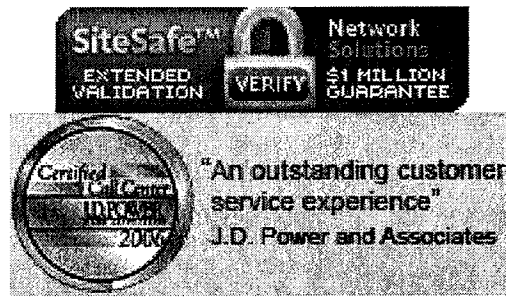
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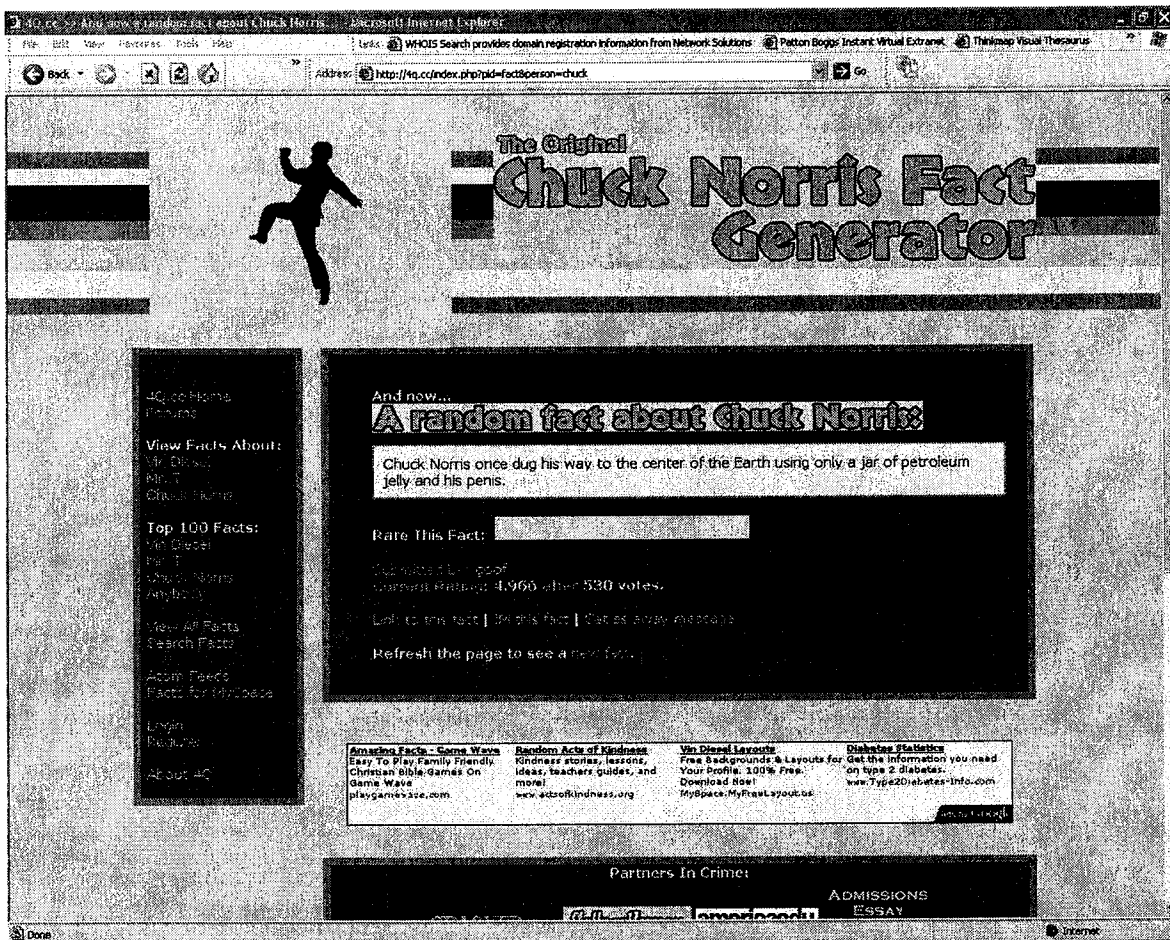
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EXHIBIT 4

SAMPLE PAGES FROM MR. SPECTOR'S 4q.cc WEBSITE



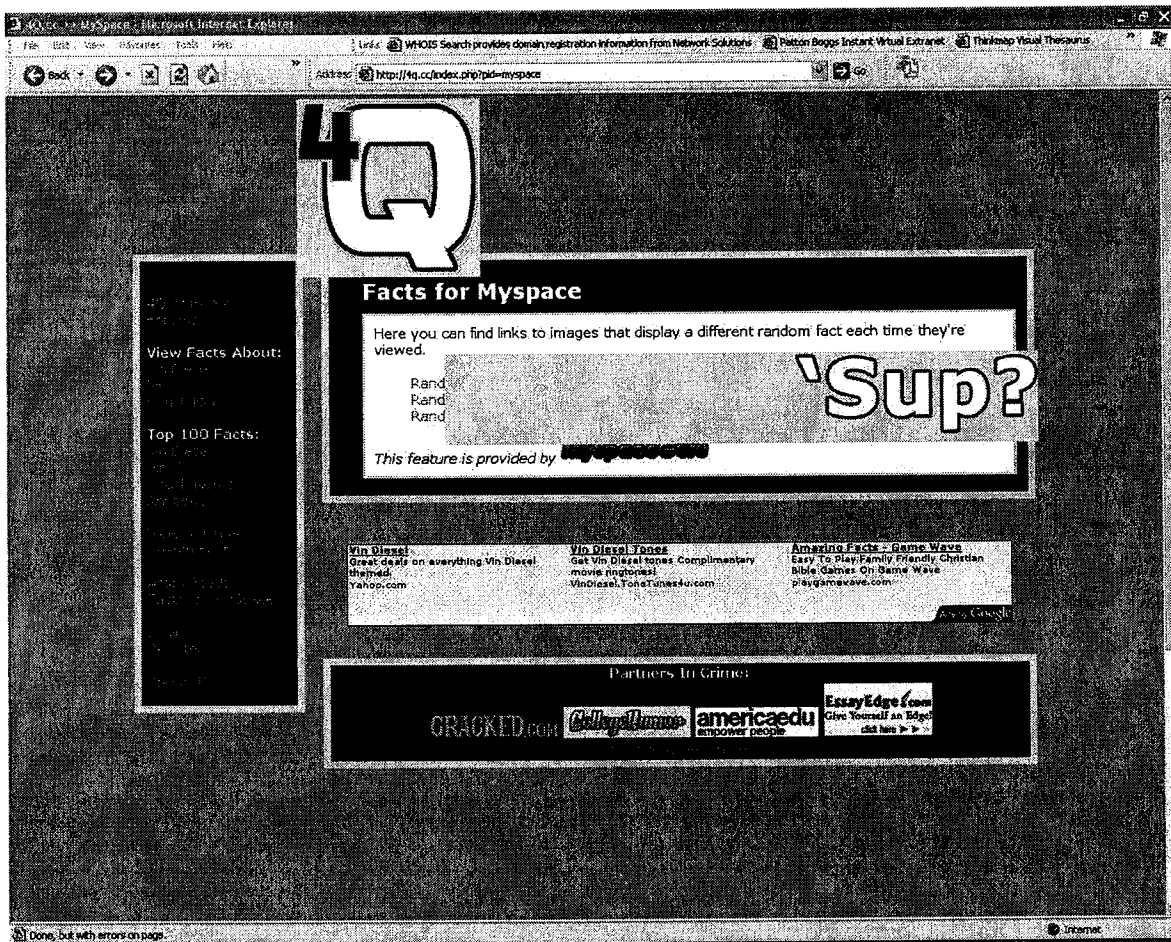




EXHIBIT 3

**Penguin's October 26, 2007 Response to
Cease and Desist Letter**



Penguin Group (USA)

375 Hudson Street, New York, NY 10014-3658
Telephone (212) 366 2959 Fax (212) 366 2867 alex.gigante@us.penguingroup.com

Alexander Gigante
SENIOR VICE PRESIDENT
LEGAL AFFAIRS / CORPORATE COUNSEL

October 26, 2007

VIA FEDEX

Deborah M. Lodge, Esq.
Patton Boggs LLP
2550 M Street, NW
Washington, D.C. 20037-1350

Re: *The Truth About Chuck Norris* by Ian Spector

Dear Ms. Lodge:

I am replying to your October 24, 2007 letter, which asserts that the above-referenced work (the "Work"), published by the Gotham Books division of Penguin Group (USA) Inc. ("PGI"), violates Chuck Norris's rights of publicity and privacy, various Lanham Act rights and other rights under common law. All these claims are absurd.

The Work's cover art and copy, and interior art and text, leave no doubt that it is a puerilely humorous spoof and parody of Chuck Norris as a social and cultural phenomenon. The First Amendment unqualifiedly protects this kind of transformative use of Mr. Norris's celebrity from legal claims of whatever character, whether advanced under the rubric of rights of publicity and privacy, the Lanham Act or otherwise. *See, e.g., ETW Corp. v. Jireh Publishing, Inc.*, 332 F.3d 915 (6th Cir. 2003) (unauthorized print featuring Tiger Woods did not violate his right of publicity or Lanham Act rights); *Hoffman v. Capital Cities/ABC, Inc.*, 255 F.3d 1180 (9th Cir. 2001) (humorous mock-up of movie still did not violate Dustin Hoffman's right of publicity); *Cardtoons, L.C. v. Major League Baseball Players Ass'n*, 95 F.3d 959 (10th Cir. 1996) (parody baseball cards did not violate players' rights of publicity or licensing rights of the Player's

Deborah M. Lodge, Esq.
October 26, 2007
Page - 2 -

Association under the Lanham Act) ("Parodies of celebrities are an especially valuable means of expression because of the role celebrities play in modern society"); *Winter v. D.C. Comics*, 30 Cal.4th 881, 69 P.3d 473 (2003) (parody comic book using images of the Winter brothers did not violate their rights of publicity).

PGI therefore rejects Mr. Norris's claims and refuses to accede to the demands in your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond Gigante". The signature is fluid and cursive, with the first name "Raymond" and last name "Gigante" clearly distinguishable.

AG/slf

cc: Mr. Ian Spector

EXHIBIT 4

November 16, 2007
Letter to Penguin



2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

November 16, 2007

Deborah M. Lodge
202-457-6030
dlodge@pattonboggs.com

**VIA EMAIL: alex.gigante@us.penguinroup.com
AND FIRST CLASS MAIL**

Mr. Alexander Gigante
Senior Vice President
Legal Affairs / Corporate Counsel
Penguin Group
375 Hudson Street,
New York, NY 10014-3658

Re: Chuck Norris Infringement – "The Truth About Chuck Norris"

Dear Mr. Gigante:

This letter responds to your October 26, 2007 letter, in which you informed us that Penguin Group (USA) Inc. ("PGI") would not change its decision to publish the above-referenced work. Rather, you flatly rejected Chuck Norris' complaint about the grossly misleading title and the book's direct and unequivocal infringement of his intellectual property rights, including his right to control the use of his name and image in commercial endeavors. Your letter asserts that the First Amendment "unqualifiedly protects" PGI "from legal claims of whatever character." We have carefully considered your parody defense and find it without merit.

PGI simply cannot misappropriate Chuck Norris' image and name, and evade the obligation to obtain Mr. Norris' consent merely by characterizing this book as a "parody". See *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569 (1994) ("suggestion that any parodic use is presumptively fair has no more justification in law or fact than the equally hopeful claim that any use for news reporting should be presumed fair."); *Grant v. Esquire, Inc.*, 367 F. Supp. 876, 883 (S.D.N.Y. 1973) (finding infringement of publicity rights, noting that "if the publisher feels impelled to trade upon the name and reputation of a celebrity, it must pay the going rate for such benefit").

The cases you rely on for PGI's parody defense are easily distinguishable from your publication of a book entitled "The Truth About Chuck Norris" that posits "facts" with no truthful or factual basis. For example, unlike the painting in *ETW Corp.* that depicted an actual historical event involving Tiger Woods, this book is pure fiction. Unlike the works at issue in *Cardtoons* and *Winter*, this book prominently features the famous "Chuck Norris" name without "transforming" it into something "other than his likeness." *Hoffman*, another case you cite, does not address parody at all. In any event, parody also does not excuse



Mr. Alexander Gigante
November 16, 2007
Page 2

trademark infringement that is likely to cause considerable confusion among Chuck Norris fans, or the "cybersquatting" occasioned by the registration of the domain name featuring Mr. Norris' name (truthaboutchucknorris.com), or the blatant violation of his privacy and publicity rights. The First Amendment does not give PGI free rein to exploit Mr. Norris' name and likeness for its own profit, to the harm and diminishment of Mr. Norris' rights to control the commercial use of his name and image.

Mr. Norris also is concerned that the book may conflict with his personal values and thereby tarnish his image and cause him significant personal embarrassment due to the unauthorized association. Mr. Norris is known as an upright citizen to whom God, country and values are of paramount importance-- certainly a rarity among celebrities these days. Our concern stems from a recent interview in the Brown Daily Herald, in which Ian Spector suggests that the book's content includes "really vulgar" or "hard-core" items: (copy attached):

"I knew I didn't want to include too many vulgar things involving genitalia or infants," Spector said. "Anything that is really vulgar or hard-core probably wasn't approved by me. But if that's what [PGI] think will sell, it's fine by me."

To permit us to ascertain whether the associations with Mr. Norris will indeed be "vulgar or hard-core," we ask that you send us an advance copy of the book for our review. It is possible that, depending on the material, Mr. Norris would be willing to discuss a possible resolution of this matter. Otherwise, our client will be forced to conclude that PGI's insistence in continuing to publish the book evidences its deliberate and calculated intent to infringe on and misappropriate Mr. Norris' well-established goodwill.

Please reply by November 21, 2007, hopefully with your written confirmation that PGI has altered its position and will halt the publication of this ill-advised exploitation of Mr. Norris' image and rights. As I never received any reply from Mr. Spector in response to my October 24, 2007 letter, we must conclude that he will continue to recklessly disregard and willfully violate Mr. Norris' rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah M. Lodge".

Deborah M. Lodge

Attachments

cc: Michael S. Forshey, Esq.
Mr. Ian Spector

Brown Daily Herald - Chuck Norris to roundhouse kick bookstores this month

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"Chuck Norris Fact Generator" creator Ian Spector '09 is releasing a book of the "facts."

Chuck Norris to roundhouse kick bookstores this month

By: Nick Werle

Posted: 11/7/07

Ian Spector '09 is not a fan of Chuck Norris, the fetishized action star who has been the subject of thousands of jokes over the last few years.

"I haven't to date seen any movie with him except for Dodgeball," Spector said. "But that doesn't really count."

For most people, it might not be notable to have never seen an episode of "Walker, Texas Ranger," but Spector is the creator of the famous Web site "Chuck Norris Random Fact Generator," and is releasing a book, "The Truth About Chuck Norris: 400 Facts About the World's Greatest Human," Nov. 29 that includes the best "facts" from his database.

Though several imitations have sprung up on the Web, peddling jokes about Chuck Norris' virility and fighting skills, Spector's is widely acknowledged as the first. Indeed, he has been featured in numerous newspapers and on television shows including "Nightline" and a VH1 special on Internet superstars.

"I don't want to be branded as an Internet superstar, but I was number (29)out of 40," he said. At the site's peak, during the winter of 2005-2006, it was pulling in 18 million hits per month, he said.

Publishers first approached Spector during the spring of 2006, when the site was very popular. Though he turned them down then, he was later persuaded to write a book of the site's best "facts" when the William Morris Agency approached him that summer. Eventually, he began working with Gotham Books, a division of the Penguin Group, and is no longer represented by the William Morris Agency.

Brown Daily Herald - Chuck Norris to roundhouse kick bookstores this month

Spector said he actually wrote the manuscript in one night. He started writing around 10 p.m. one November night and finished at about 8 a.m. the next morning. Originally, he was told to pick 250 of the best facts from the Web site, but the project soon ballooned to include 400 of the site's jokes.

"I knew I didn't want to include too many vulgar things involving genitalia or infants," Spector said. "Anything that is really vulgar or hard-core probably wasn't approved by me. But if that's what they think will sell, it's fine by me."

Though Spector does not have the same fascination with Norris that may be shared by many of his site's visitors, he did get to meet the man himself in January 2006 at the invitation of the action star's wife. Norris is not affiliated with the Web site or the book.

Because most of the book's content came directly from his Web site, Spector said he is unsure whether he should be considered a bona fide author. "People say now that I'm considered an author because I wrote a 20-page intro that got cut down to eight pages and copied and pasted a bunch of stuff off of my Web site," he said. "That makes me an author? That's not what I think of when I think of an author."

In addition to the jokes, Spector's book features illustrations by Angelo Vildasol, who had previously worked on a book by the Internet-humor fixture Maddox. Spector recounted how the elusive Vildasol, who lives in Colorado, would e-mail him with updates on the project at 6 a.m. some days. The two have never met in person.

The site relies on visitor-submitted jokes to populate the "fact generator." During its peak, Spector said the site received thousands of submissions a day. Though he couldn't say how many of the jokes he wrote himself, he stressed that he - along with a few friends who helped him run the site when it was at its greatest popularity - had to rewrite most of the submissions to make sure they were actually funny. This attention was likely responsible for the site's popularity, he said.

"As it was progressing, there was a lot of quality control. Our acceptance rate was about 5 percent," he said.

J.P. Reader, a bookseller at the Brown Bookstore, also cited the surprisingly high quality of the humor as the reason for the site's fame. "I was surprised because I don't usually find pop culture references funny," he said. "I haven't looked at it in about four months but it was definitely a work-stopper. ... There are some Chuck Norris things that were actually subtle even though they are absurd claims."

So if none of the "facts" are actually true, then why a "fact generator" about Chuck Norris?

"Weird obsession pretty much nails it," Spector said. "There's something about the obscurity of him that people find funny."

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EXHIBIT 5

November 16, 2007
Penguin Response

Lodge, Deborah

From: Gigante, Alex [Alex.Gigante@us.penguingroup.com]
Sent: Friday, November 16, 2007 3:59 PM
To: Lodge, Deborah
Cc: Forshey, Michael; ian@4q.cc
Subject: RE: Chuck Norris Infringement - "The Truth About Chuck Norris"

No need to wait until November 21. Our position is as stated in my October 26, 2007. Nothing in your response requires Penguin to change its position. The law is clear, and any legal action by Mr. Norris would be frivolous.

-----Original Message-----

From: Lodge, Deborah [mailto:DLodge@pattonboggs.com]
Sent: Friday, November 16, 2007 3:55 PM
To: Gigante, Alex
Cc: Forshey, Michael; ian@4q.cc
Subject: Chuck Norris Infringement - "The Truth About Chuck Norris"

> Dear Mr. Gigante:
>
> Annexed please find our response to your October 26, 2007 letter.
> Please contact me if you have any questions.

>
> Regards,
>
> Deborah M. Lodge

>
Deborah M. Lodge
Patton Boggs LLP
2550 M Street, N.W.
Washington, DC 20037
(202) 457-6030 (Phone)
(202) 457-6315 (Fax)
dlodge@pattonboggs.com

> <<gigante ltr.pdf>>

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EXHIBIT 6

Fan Email Sent to Chucknorris.com

Lodge, Deborah

From: Fan Letters [chucknorrisfans@hotmail.com]
Sent: Wednesday, January 09, 2008 6:52 PM
To: Lodge, Deborah
Subject: FW: The Truth About Chuuck Norris - mail sent to Fans

rae

> From: [REDACTED]
> To: chucknorrisfans@hotmail.com
> Subject: The Truth About Chuuck Norris - mail sent to Fans
> Date: Mon, 24 Dec 2007 05:20:24 -0800
>

> Mr Norris, I want you know that my support and well wishes go out you. This is in regards to the boo "The Tructh About Chuck Norris". Ian Spector had no justification to write any of the information about you in that book and Penguin Publishing are way out theri league on this issue. I've personally contact Ian Spector about this matter and hopefully he'll open up a communication line with me so we can ends this fiasco once an for all. Oh yeah, the Total Gym is Awesome...!!!!!! I wish you and your familiy the very best this holiday season. Sincerely, [REDACTED]

Lodge, Deborah

From: Fan Letters [chucknorrisfans@hotmail.com]
Sent: Wednesday, January 09, 2008 6:59 PM
To: Lodge, Deborah
Subject: FW: The Lawsuit - mail sent to Fans

1*2
> From: [REDACTED]
> To: chucknorrisfans@hotmail.com
> Subject: The Lawsuit - mail sent to Fans
> Date: Sun, 23 Dec 2007 06:40:34 -0800
>

> Hi! Carlos, I'm glad that you are Suing those People who have been Misrepresenting your Image. God knows the Truth
> and You will get Justice in the End. Sincerely, [REDACTED]

Lodge, Deborah

From: Fan Letters [chucknorrisfans@hotmail.com]
Sent: Wednesday, January 09, 2008 6:58 PM
To: Lodge, Deborah
Subject: FW: I am behind you! - mail sent to Fans

dst

> From: [REDACTED]
> To: chucknorrisfans@hotmail.com
> Subject: I am behind you! - mail sent to Fans
> Date: Sun, 23 Dec 2007 07:32:14 -0800
>
> Dear Mr. Norris, I went on the web site for that book and I did not find 99.5% of it funny at all. None of those so called "facts" represent you. I wish you the best in your fight to get this book removed or at least that the word gets out that this is NOT you. Yours in Christ, [REDACTED]

Lodge, Deborah

From: Fan Letters [chucknorrisfans@hotmail.com]
Sent: Wednesday, January 09, 2008 6:53 PM
To: Lodge, Deborah
Subject: FW: new book that was just released - mail sent to Fans

nr1

> From: [REDACTED]
> To: chucknorrisfans@hotmail.com
> Subject: new book that was just released - mail sent to Fans
> Date: Sun, 23 Dec 2007 17:06:53 -0800
>

> dear Mr. Norris I was glad to hear of your pending law suit against the author and publisher. I was shocked with the vulgarity that was used and even thou they said you had approved it ,it was hard for me to believe. Because of your christian way and belief. I wish you all the luck in winning this case because the book is terrible and offensive even to the reader, and they make you believe that it was ok'd by you in the ads and on amazon. I am a life time fan of yours and hope you make another movie soon. You can use this email letter in your suit if you deem necessary. Have a great holiday season Sincerely [REDACTED]

Lodge, Deborah

From: Fan Letters [chucknorrisfans@hotmail.com]
Sent: Wednesday, January 09, 2008 7:04 PM
To: Lodge, Deborah
Subject: FW: Truth book - mail sent to Fans

c*y

> From: [REDACTED]
> To: chucknorrisfans@hotmail.com
> Subject: Truth book - mail sent to Fans
> Date: Sat, 22 Dec 2007 14:33:49 -0800
>

> Way to go in regards to the "truth book". Your reputation has always been the best and to have it marred at your expense is wrong. You have accomplished so much and have always been a role model. Shame on them for marring your reputation.

Lodge, Deborah

From: Fan Letters [chucknorrisfans@hotmail.com]
Sent: Wednesday, January 09, 2008 6:57 PM
To: Lodge, Deborah
Subject: FW: truth - mail sent to Fans

d*5

> From: [REDACTED]
> To: chucknorrisfans@hotmail.com
> Subject: truth - mail sent to Fans
> Date: Sun, 23 Dec 2007 08:20:42 -0800
>
> chuck i dony blame you for going after them. that author had no right! my family has been fans for years. go get him [REDACTED]

Lodge, Deborah

From: Fan Letters [chucknorrisfans@hotmail.com]
Sent: Wednesday, January 09, 2008 7:02 PM
To: Lodge, Deborah
Subject: FW: Penguin Litigation - Letter of Support - mail sent to Fans

kan

> From: [REDACTED]
> To: chucknorrisfans@hotmail.com
> Subject: Penguin Litigation - Letter of Support - mail sent to Fans
> Date: Sat, 22 Dec 2007 17:24:08 -0800
>

> There is no need to publish this one line. I just read the article regarding your litigation suit. I have been a fan of your work since the 1970s and have always respected your strength of character as an actor and person. You have a property right to your reputation and that reputation has been targeted on the web and now in print. Be assured that your supporters respect the position you have taken in challenging the publisher and the individual responsible for the website. Have a Merry Christmas and a Happy New Year! [REDACTED]

Lodge, Deborah

From: Fan Letters [chucknorrisfans@hotmail.com]
Sent: Wednesday, January 09, 2008 7:07 PM
To: Lodge, Deborah
Subject: FW: "Truth" book - mail sent to Fans

lat

> From: [REDACTED]
> To: chucknorrisfans@hotmail.com
> Subject: "Truth" book - mail sent to Fans
> Date: Sat, 22 Dec 2007 01:51:41 -0800
>

> I hope you fry the man who has exploited your name! You have always come across as a man who cares for his beliefs and puts action to words. Thank you, too, for your support in Iraq. I found a picture at my church taken of you and a young man from my small town in Alabama. And, I have a 20-year-old nephew serving there. Thank you for being who you are!
Sincerely, [REDACTED]

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARLOS RAY NORRIS,
a/k/a CHUCK NORRIS, an individual,

Plaintiff,

v.

PENGUIN GROUP (USA), INC.,
a Delaware corporation,
IAN SPECTOR, an individual and
QUBEFACTOR, INC., a New York
Corporation, d/b/a QUBEFACTOR
TECHNOLOGIES,

Defendants.

Civil Action No. 07-cv-11480

CERTIFICATE OF SERVICE

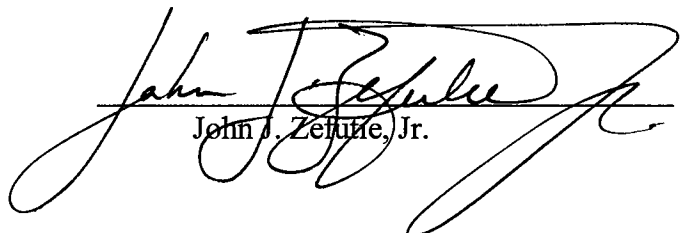
JOHN J. ZEFUTIE, JR. certifies as follows:

1. I am not a party to this action, I am over eighteen years of age, and I am employed by Patton Boggs LLP, The Legal Center, One Riverfront Plaza, Newark, New Jersey 07102. Patton Boggs is counsel for Plaintiff Carlos Ray Norris ("Plaintiff") in the above-captioned action.

2. On January 11, 2008, I served Plaintiff's Notice of Motion, Brief in Support of Preliminary Injunction, Declaration of Carlos Ray Norris (with Exhibits), Declaration of Deborah M. Lodge (with Exhibits), and Declaration of Michael G. Kessler (with Exhibits), by causing a true and correct copy of each of the aforementioned documents to be hand delivered to the following counsel for defendants at the last known address set forth below:

Dean Ringel, Esq.
Cahill Gordon & Reindel LLP
80 Pine Street
New York, NY 10005

I certify under penalty of perjury that the foregoing is true and correct. Executed on January 11, 2008.


John J. Zefutie, Jr.